IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First named

Ian Mayes

inventor: Assignee:

Nanometrics Incorporated

Title:

Monitoring Apparatus And Methods For Improving The Accuracy And

Repeatability Of Electrochemical Capacitance Voltage (ECV)

Measurements

Application No.:

10/520,439

Filing Date:

April 5, 2006

Examiner:

Robert J. Kasten

Group Art Unit:

1795

Docket No.:

NAN143 US 8016

Confirmation No.:

5914

Saratoga, California September 14, 2009

MS Amendment Commissioner For Patents P.O. Box 1450 Alexandria, VA 22313-1450

RESPONSE TO OFFICE ACTION

Dear Sir:

This paper is being filed in response to the Restriction Requirement dated August 17, 2009, which had a statutorily shortened period for response that ends September 17, 2009.

Applicants hereby elect to have the invention of Group I – Claims 1-7 examined. Please withdraw from consideration Claims 8-26, which are drawn to the invention of Group II. Applicants reserve the right to seek examination of the invention of Group II in divisional application.

It is believed that no fees are due. However, if the Patent Office determines that an extension and/or other relief is required, the Commissioner is authorized to charge the cost of such petitions and/or other fees due in connection with this filing of this document to **Deposit**Account No. 50-2263 referencing NAN143 US 8016.

Should the Examiner have any questions concerning this response, the Examiner is invited to call the undersigned at (408) 378-7777 ext.112.

FILED ELECTRONICALLY

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Respectfully submitted,

Michael J. Halbert Attorney for Applicant(s)

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